

# United States District Court

WESTERN

PENNSYLVANIA

DISTRICT OF

MUNIAUCTION, INC.

## SUMMONS IN A CIVIL CASE

CASE NUMBER:

01 1003

V.

THOMSON CORPORATION, t/d/b/a THOMSON  
FINANCIAL and/or THOMSON FINANCIAL  
MUNICIPALS GROUP

TO: (Name and address of defendant)

Thomson Corporation t/d/b/a Thomson Financial  
290 Harbor Drive, First Floor  
Stamford, CT 06902

Thomson Financial Municipals Group  
395 Hudson Street, Third Floor  
New York, NY 10014

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John E. Hall  
Eckert Scamans Cherin & Mellott LLC  
600 Grant Street, 44th Floor  
Pittsburgh, PA 15219

Raymond P. Niro  
Niro Scavone Haller & Niro  
181 West Madison Street, Suite 4600  
Chicago, IL 60602

an answer to the complaint which is herewith served upon you, within 20 days a  
service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be ta  
against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court with  
reasonable period of time after service.

CLERK

DATE

June 1, 2001



IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MUNIAUCTION, INC.,

Plaintiff,

vs.

THOMSON CORPORATION, v/d/b/a  
THOMSON FINANCIAL and/or  
THOMSON FINANCIAL MUNICIPALS  
GROUP,

Defendant.

C.A. No. 01 1003

COPY

COMPLAINT

Plaintiff, MuniAuction, Inc. ("MuniAuction"), complains of defendant Thomson Corporation v/d/b/a Thomson Financial and/or Thomson Financial Municipals Group, as follows:

JURISDICTION AND VENUE

This is a claim for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. § 1338(a).

1. Plaintiff, MuniAuction, Inc. ("MuniAuction") is a corporation of the Commonwealth of Pennsylvania having its corporate headquarters and main place of business located at Allegheny Building, Suite 1800, 429 Forbes Avenue, Pittsburgh, PA 15219. On December 12, 2000, United States Patent No. 6,161,099 ("the '099 patent") was duly, properly, legally issued to Myles C.S. Harrington, et al., and assigned to MuniAuction. A true and correct copy of the '099 patent is attached as Exhibit A hereto.

2. MuniAuction owns the full and exclusive right, title and interest in the '099 patent.

including the right to bring suit and collect for any past or future damages for infringement of the patents.

3. For the reasons stated above, MuniAuction has standing to sue for infringement of the patent in suit.

4. Upon information and belief, the defendant, Thomson Corporation, is a corporation of the province of Ontario having a principal place of business in the United States at One Station Place, Stamford, Connecticut 06902.

5. Upon information and belief, defendant Thomson Corporation trades and does business as (a) Thomson Financial, with Thomson Financial having a chief executive office at 290 Harbor Drive, First Floor, Stamford, Connecticut 06902; and (b) Thomson Financial Municipals Group, with Thomson Financial Municipals Group having a principal place of business at 395 Hudson Street, 3<sup>rd</sup> Floor, New York, New York 10014. Thomson Corporation, Thomson Financial and Thomson Financial Municipals Group shall be referred to herein collectively as "Thomson."

6. Defendant transacts business in this judicial district by advertising, promoting, offering to sell and selling products and services to customers located in this judicial district and by conducting other business within this judicial district and elsewhere in the United States.

7. Venue, therefore, is proper in this district under 28 U.S.C. § 1400(b) and § 1391(b) since a substantial part of the events giving rise to the claim occurred in this judicial district.

#### PATENT INFRINGEMENT

8. Defendant has infringed the '099 patent, either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

9. Defendant's infringement has occurred at least through the manufacture, use, sale, offer for sale, of a process and apparatus for conducting auctions, specifically bond auctions, over

electronic networks, that infringes claims of the '099 patent. Defendant has also intentionally induced and contributed to the infringement of others with full notice and knowledge of the '099 patent.

10. In May 1997, MuniAuction began displaying a "patent pending" notice on its Internet website, which Internet website utilizes the process and apparatus disclosed by the '099 patent.

11. Defendant's infringement has been willful and deliberate.

12. The infringement of the '099 patent alleged above has injured MuniAuction and, thus, MuniAuction is entitled to recover damages adequate to compensate for defendant's infringement, which in no event can be less than a reasonable royalty.

WHEREFORE, MuniAuction respectfully demands judgment against defendant, and against its subsidiaries, affiliates and related companies, as follows:

A. An award of damages adequate to compensate Plaintiff for the patent infringement that has occurred, together with prejudgment interest and costs;

B. All other damages permitted by 35 U.S.C. § 284, including increased damages up to three times the amount of compensatory damages found;

C. A finding that this case is exceptional and an award to Plaintiff of its reasonable attorneys' fees as provided by 35 U.S.C. § 285;

D. An injunction against Thomson enjoining it, its employees, agents, attorneys, and privies, and all those in active concert or participation therewith, from the continued infringement of the '099 patent, pursuant to 35 U.S.C. § 283.

E. Such other and further relief as this Court or a jury may deem proper and just.

#### JURY DEMAND

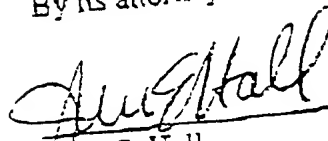
Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and the 7<sup>th</sup> Amendment to the Constitution of the United States, MuniAuction demands a trial by jury of all issues triable as

of right by jury in the above action.

Date: June 1, 2001

MUNIAUCTION, INC.

By its attorneys



John E. Hall  
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600 Grant Street, 44th Floor  
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Douglas M. Hall  
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Chicago, Illinois 60602  
(312) 236-0733  
(312) 236-3137 (fax)

COBY

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THIS CASE DESIGNATION SHEET MUST BE COMPLETED

## PART A

This case belongs on the (        Erie        Johnstown   x   Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venango or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset, OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in                      County and that the                      resides in                      County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in                      County and that the                      resides in                      County.

**PART B** (You are to check ONE of the following)

1.   x   This case is related to Number C.A. 01 0059, Judge Diamond (dismissed)
2.        This case is not related to a pending or terminated case.

**DEFINITIONS OF RELATED CASES:**

**CIVIL:** Civil cases are deemed related when a case filed relates to property included in another suit, or involves the same issues of fact or it grows out of the same transactions as another suit, or involves the validity or infringement of a patent involved in another suit.

**EMINENT DOMAIN:** Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

**HABEAS CORPUS & CIVIL RIGHTS:** All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

## PART C

1. **CIVIL CATEGORY** (Place x in only applicable category).

1. ( ) Antitrust and Securities Act Cases
2. ( ) Labor-Management Relations
3. ( ) Habeas Corpus
4. ( ) Civil Rights
5. ( x ) Patent, Copyright, and Trademark
6. ( ) Eminent Domain
7. ( ) All other federal question cases
8. ( ) All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest.
9. ( ) Insurance indemnity, contract, and other diversity cases.
10. ( ) Government Collection Cases (shall include HEW Student Loans (Education), VA Overpayment, Overpayment of Social Security, Entitlement Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, S.B.A. Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct.

Date: 6/1/01

*Michael Hall*  
ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH SIDES MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

01 1003

MUNLAUCTION, INC.

Civil Action No. \_\_\_\_\_

or

vs.  
THOMSON CORPORATION, c/d/b/a  
THOMSON FINANCIAL and/or  
THOMSON FINANCIAL MUNICIPALS  
GROUP

Criminal Action No. \_\_\_\_\_

DISCLOSURE STATEMENT

Pursuant to Local Rule 3.2 of the Western District of Pennsylvania and to enable Judges and Magistrate Judges to evaluate possible disqualification or recusal, the undersigned counsel for \_\_\_\_\_ in the above captioned action, certifies that the following are parents, subsidiaries and/or affiliates of said party that have issued shares or debt securities to the public:

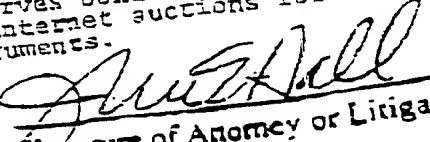
or

Pursuant to Local Rule 3.2 of the Western District of Pennsylvania and to enable Judges and Magistrate Judges to evaluate possible disqualification or recusal, the undersigned counsel for MuniAuction, Inc., plaintiff in the above captioned action, certifies that there are no parents, subsidiaries and/or affiliates of said party that have issued shares or debt securities to the public.

General Nature and Purpose of Represented Entity: MuniAuction is the country's first website for auctions of fixed income securities and in particular, municipal bonds and agency discount notes. MuniAuction serves bond issuers, institutional investors, and municipal treasurers by hosting Internet auctions for the sale of bonds and for the purchase of money market instruments.

6/1/01

Date

  
Signature of Attorney or Litigant





IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MUNIAUCTION, INC. d/b/a  
GRANT STREET GROUP, INC.

Plaintiff,

vs.

THOMSON CORPORATION, t/d/b/a  
THOMSON FINANCIAL and/or  
THOMSON FINANCIAL MUNICIPALS  
GROUP, and i-DEAL, LLC

Defendant.

C.A. No. 01 1003

Hon. Judge Gary Lee Lancaster

**AMENDED COMPLAINT**

Plaintiff, MuniAuction, Inc. d/b/a Grant Street Group ("MuniAuction"), complains of defendants, Thomson Corporation t/d/b/a Thomson Financial and/or Thomson Financial Municipals Group, and i-Deal, LLC ("i-Deal") as follows:

**JURISDICTION**

This is a claim for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. § 1338(a).

**PARTIES**

1. MuniAuction Inc. d/b/a Grant Street Group ("MuniAuction") is a corporation of the Commonwealth of Pennsylvania having its corporate headquarters and principle place of business located at Allegheny Building, Suite 1800, 429 Forbes Avenue, Pittsburgh, PA 15219. MuniAuction owns and has standing to sue for the infringement of United States Patent 6,161,099

("the '099 Patent") entitled Process and Apparatus for Conducting Auctions Over Electronic Networks. A true and correct copy of the cover of the '099 patent is attached hereto as Exhibit A.

2. The '099 Patent was duly and legally issued by the United States Patent and Trademark Office on December 12, 2000.

3. MuniAuction owns the full and exclusive right, title and interest in the '099 patent, including the right to bring suit and collect for any past or future damages for infringement of the patent.

4. Defendant Thomson Corporation, is a corporation of the province of Ontario having a principal place of business in the United States at One Station Place, Stamford, Connecticut 06902.

5. Defendant Thomson Corporation trades and does business as (a) Thomson Financial, with Thomson Financial having a chief executive office at 290 Harbor Drive, First Floor, Stamford, Connecticut 06902; and (b) Thomson Financial Municipals Group, with Thomson Financial Municipals Group having a principal place of business at 395 Hudson Street, 3<sup>rd</sup> Floor, New York, New York 10014. Thomson Corporation, Thomson Financial and Thomson Financial Municipals Group shall be referred to herein collectively as "Thomson."

6. Defendant i-Deal is a Delaware corporation having a principal place of business at 40 West 23rd Street, 5th Floor, New York, New York 10010.

#### VENUE

7. Each of the defendants transacts business in this judicial district by advertising, promoting, offering to sell and selling products and services to customers located in this judicial district and by conducting other business within this judicial district and elsewhere in the United States.

8. Venue is proper in this district under 28 U.S.C. § 1400(b) and § 1391(b) and (c) since a substantial part of the events giving rise to the claim occurred in this judicial district.

### PATENT INFRINGEMENT

9. Defendants have infringed the '099 patent, either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

10. Each defendant's infringement has occurred at least through the manufacture, use, sale, offer for sale, of a process and apparatus for conducting auctions, such as bond auctions, over electronic networks that infringes claims of the '099 patent. Each defendant has also intentionally induced and contributed to the infringement of others with full notice and knowledge of the '099 patent.

11. In May 1997, MuniAuction began displaying a "patent pending" notice on its Internet web site, which Internet web site utilizes the process and apparatus disclosed by the '099 patent.

12. Each of the defendants have been aware of U.S. Patent No. 6,161,099 and have, nonetheless, infringed that patent with knowledge of the patent's scope and application to each defendants' auction system. As a consequence, defendants' infringement has been willful and deliberate.

13. The infringement of the '099 patent alleged above has injured MuniAuction and, thus, MuniAuction is entitled to recover damages adequate to compensate for defendant's infringement, which in no event can be less than a reasonable royalty.

### PRAYER FOR RELIEF

WHEREFORE, MuniAuction respectfully demands judgment against each defendant, and against its subsidiaries, affiliates and related companies, as follows:

- A. An award of damages adequate to compensate Plaintiff for the patent infringement that has occurred, together with prejudgment interest and costs;
- B. All other damages permitted by 35 U.S.C. § 284, including increased damages up to three times the amount of compensatory damages found;
- C. A finding that this case is exceptional and an award to Plaintiff of its reasonable attorneys' fees as provided by 35 U.S.C. § 285;
- D. An injunction against each defendant enjoining it, its employees, agents, attorneys, and privies, and all those in active concert or participation therewith, from the continued infringement of the '099 patent, pursuant to 35 U.S.C. §283.
- E. Such other and further relief as this Court or a jury may deem proper and just.

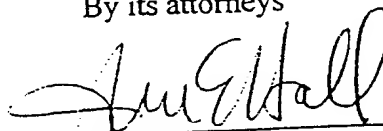
### JURY DEMAND

MuniAuction demands a trial by jury of all issues presented in this Complaint.

Date: March 26, 2002

MUNIAUCTION, INC.

By its attorneys



John E. Hall

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600 Grant Street, 44th Floor  
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**CERTIFICATION OF SERVICE**

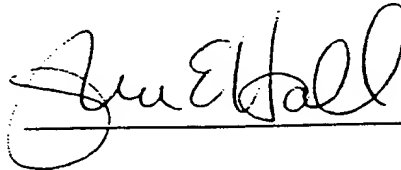
The undersigned hereby certifies that a copy of the foregoing **AMENDED COMPLAINT** was served upon the following counsel of record by **Facsimile and First Class Mail**:

James L. Quarles, III  
William G. McElwain  
John Dowd  
HALE & DOOR, LLP  
1455 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(202) 942-8400  
Fax: (202) 942-8484

and by **Hand Delivery**:

Paul Manion  
MANION, MCDONOUGH & LUCAS, P.C.  
600 Grant Street, Suite 1414  
Pittsburgh, Pennsylvania 15219  
(412) 232-0200  
Fax: (412) 232-0206

on this 28 day of March 2002.



A handwritten signature in cursive script, appearing to read "J. E. Hall", is written over a horizontal line.